

Iowa Substitute Decision Maker Act – Iowa Code §231E

History:

In 2005, the Iowa General Assembly passed the Iowa Substitute Decision Maker Act. The Iowa Substitute Decision Maker Act is codified in Section 231E and mandates the creation of an Office of Substitute Decision Maker to administer a statewide network to provide substitute decision-making information, services, and assistance to Iowans age 18 and older.

The Office of Substitute Decision Maker did not receive funding until July 1, 2007, at which time an appropriation of \$250,000 was allocated to the Iowa Department on Aging for operation. Legislation was passed to defund the program less than two years later and the program has since ceased to exist.

Operations from 2007 to 2009:

The Office of Substitute Decision Maker started with a single full-time employee and ended with a staff of 2.5. The Office of Substitute Decision Maker accomplished the following tasks during its existence:

- Provided information, assistance, and referral to approximately 850 Iowans
- Completed approximately 20 full case reviews
- Intervened, formally or informally, in approximately six guardianship or conservatorship cases
- Provided statewide trainings to professionals, including medical and legal professionals
- Conducted reviews of adult guardianship and conservatorship cases in five Iowa counties located within five judicial districts, resulting in recognition of the following trends:
 - Counsel appointed as an advocate for the Ward was rare, even in involuntarily established guardianships and conservatorships
 - Guardians ad litem were not always investigating and reporting to the Court and were often used as a mechanism to serve the Ward and verify the petition
 - Limited guardianships and conservatorships were not being utilized
 - Revocation of the right to marry and the right to vote were often automatically revoked without a separate finding or proceeding
 - Monitoring of cases was limited and in some cases annual reporting deadlines were adjusted to allow less frequent reporting or no reporting

A full report produced in 2012 can be found on the Iowa Department on Aging website at the following link: <https://www.iowaaging.gov/sites/files/aging/documents/Substitute%20Decision%20Maker%20Report.pdf>

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